

KATTEN MUCHIN ROSENMAN LLP  
Anthony L. Paccione  
Brian L. Muldrew  
50 Rockefeller Plaza  
New York, NY 10020  
Telephone: (212) 940-8800  
Facsimile: (212) 940-8776

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,  
Plaintiff-Applicant,  
v.  
BERNARD L. MADOFF INVESTMENT  
SECURITIES, LLC,  
Defendant.

**Adv. Pro. No. 08-1789 (CGM)**

**SIPA Liquidation  
(Substantively Consolidated)**

In re:

BERNARD L. MADOFF,  
Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

**Adv. Pro. No. 10-04285 (CGM)**

Plaintiff,

v.

UBS AG, UBS EUROPE SE (f/k/a UBS  
(LUXEMBOURG) SA), UBS FUND  
SERVICES (LUXEMBOURG) SA, UBS  
THIRD PARTY MANAGEMENT  
COMPANY SA, ACCESS  
INTERNATIONAL ADVISORS LLC,  
ACCESS INTERNATIONAL ADVISORS  
LTD., ACCESS MANAGEMENT  
LUXEMBOURG SA (f/k/a ACCESS  
INTERNATIONAL ADVISORS  
(LUXEMBOURG) SA) as represented by  
its Liquidator MAÎTRE FERNAND  
ENTRINGER, ACCESS PARTNERS SA  
as represented by its Liquidator MAÎTRE

FERNAND ENTRINGER, PATRICK	)
LITTAYE, CLAUDINE MAGON DE LA	)
VILLEHUCHET (a/k/a CLAUDINE DE	)
LA VILLEHUCHET) in her capacity as	)
Executrix under the Will of THIERRY	)
MAGON DE LA VILLEHUCHET (a/k/a	)
RENE THIERRY DE LA	)
VILLEHUCHET), CLAUDINE MAGON	)
DE LA VILLEHUCHET (a/k/a	)
CLAUDINE DE LA VILLEHUCHET)	)
individually as the sole beneficiary under	)
the Will of THIERRY MAGON DE LA	)
VILLEHUCHET (a/k/a RENE THIERRY	)
DE LA VILLEHUCHET), PIERRE	)
DELANDMETER, THEODORE	)
DUMBAULD, LUXALPHA SICAV as	)
represented by its Liquidators MAÎTRE	)
ALAIN RUKAVINA and PAUL	)
LAPLUME, MAÎTRE ALAIN	)
RUKAVINA AND PAUL LAPLUME, in	)
their capacities as liquidators and	)
representatives of LUXALPHA,	)
GROUPEMENT FINANCIER LTD.,	)
	)
Defendants.	)

**DECLARATION OF ANTHONY L. PACCIONE IN SUPPORT OF MOTION  
TO WITHDRAW AS COUNSEL FOR ACCESS DEFENDANTS  
PURSUANT LOCAL BANKRUPTCY RULE 2090-1(e)**

I, Anthony L. Paccione, declare as follows under penalty of perjury:

1. I am an attorney and partner in the law firm Katten Muchin Rosenman LLP (“**Katten**”). I respectfully submit this declaration in support of Katten’s Motion to Withdraw as Counsel for Access Defendants pursuant to Local Bankruptcy Rule 2090-1(e).

2. In or around January 2009, the undersigned law firm, Katten Muchin Rosenman LLP, was retained by Access International Advisors, LLC (“**Access LLC**”), Access International Advisors, Ltd. (“**Access Ltd.**”), Access Management (Luxembourg), S.A. (f/k/a Access International Advisors (Luxembourg) S.A.) (“**AML**”), Access Partners, S.A (“**AP (Lux)**”), Patrick

Littaye (“**Littaye**,”) and Groupement Financier Ltd. (“**Groupement**,” and together with Access LLC, Access Ltd., AML, AP (Lux), and Littaye, collectively the “**Access Defendants**”). Katten and the undersigned also are counsel for Claudine Magon de la Villehuchet in the capacities ascribed to her in the caption above (the “**CDLV Defendants**”) in this adversary proceeding. Katten and the undersigned do respectfully move for entry of an Order granting them leave to withdraw as counsel for the Access Defendants. This motion does not seek relief with regard to the CDLV Defendants.

3. On or about November 23, 2010, the Trustee commenced this adversary proceeding against the Access Defendants, among others.

4. During discussions with the Access Defendants, Katten was informed that due to lack of funds, the Access Defendants will not pay Katten’s past due legal fees and costs, and that they would not pay for any such services in the future.

5. The undersigned attorneys advised the Access Defendants that they would not be able to represent the Access Defendants without payment. For well over six months, Katten has continually advised the Access Defendants that the consequence of their non-payment of fees would be Katten filing the present motion to withdraw. The potential consequences resulting from the granting of this motion were also discussed.

6. On July 12, 2023, Fernand Entringer, on behalf of defendants AML and AP (Lux), and on August 3, 2023, Patrick Littaye on behalf of himself and Access LLC, Access Ltd., and Groupement, confirmed in writing that they would no longer make any payment on behalf of the Access Defendants regarding this action. The undersigned attorneys advised that they would, as

a result, seek to withdraw in this proceeding through the instant motion. On August 9, 2023, Katten advised counsel for the Trustee that they intended to file the instant motion.

7. As an accommodation to these clients, Katten has been billing its time at fifty percent (50%) of its standard rates since July 2016. During that period, however, the case was only active in various fits and starts and so Katten was able to absorb the significant discounts. The Access Defendants have indicated that they cannot, and will not, pay Katten's fees even at this reduced rate, including past due amounts.


8. At the time of the filing of this motion, the Access Defendants have unpaid billed fees in the amount of \$70,068.38.

9. We regret that we must seek to withdraw from this representation, but we see no alternative under the circumstances. It is readily apparent that the Access Defendants lack the ability to pay Katten's fees in connection with its continued representation on a going forward basis. Katten's continued representation of Access Defendants with no prospect of payment will impose an unreasonable financial burden on Katten.

10. Under the circumstances as set forth above, I respectfully request that the Court grant Katten's request to withdraw as Access Defendants' counsel.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: New York, New York  
September 21, 2023

  
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Anthony L. Paccione

KATTEN MUCHIN ROSENMAN LLP  
50 Rockefeller Plaza  
New York, NY 10020  
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**Anthony L. Paccione**

Email: [anthony.paccione@katten.com](mailto:anthony.paccione@katten.com)

**Brian L. Muldrew**

Email: [brian.muldrew@katten.com](mailto:brian.muldrew@katten.com)